

46  
1/21/03  
lp

**STOCK AND LEADER**  
Susquehanna Commerce Center East  
6th Floor  
221 W. Philadelphia Street  
York, Pennsylvania 17404

Phone: (717) 846-9800  
Fax: (717) 843-6134

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM,**

**Plaintiff**

**v.**

**SCOTT DOWNEY,  
ROGER MORRISON,  
DAVID GRAYBILL  
and MICHAEL SWEGER**

**Defendants**

**CIVIL ACTION NO.  
NO.: 1:CV-01-0083**

FILED  
JAN 21 2003  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
YORK, PA  
[Signature]

**DEFENDANT SCOTT DOWNEY'S MOTION FOR  
ATTORNEYS' FEES AND ASSOCIATED EXPENSES**

AND NOW, comes the Defendant, Scott Downey, by and through his attorneys, MELINDA B. KAUFMANN, Esquire, and STEPHEN S. RUSSELL, Esquire, and the law firm of STOCK AND LEADER, respectfully requesting an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b). In support thereof, Defendant avers as follows:

1. Plaintiff filed a Complaint on or about January 16, 2001, alleging both federal and state law claims.
2. On or about March 15, 2001, Defendant Scott Downey filed a Partial Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and an Answer.
3. By Order dated April 10, 2002, Defendant Scott Downey's Partial Motion to Dismiss was granted pursuant to Federal Rule of Civil Procedures 12(b)(6) by the Honorable James F. McClure, Jr. Judge McClure further dismissed *sua sponte* the remaining claims against Defendant Downey.
4. Appellant filed a Notice of Appeal on April 16, 2002.
5. On or about April 24, 2002, Defendant Downey filed a Motion to Enlarge Time to File for Attorneys' Fees and Costs, which was granted on May 30, 2002.
6. On or about August 8, 2002, Appellant filed her Brief in support of her appeal.
7. Appellee Downey filed his Brief in opposition to the appeal on September 5, 2002.
8. By Order dated December 23, 2002, the Order of the District Court entered on April 10, 2002 was affirmed.

9. Defendant is a prevailing party in this litigation in that Plaintiff's action was frivolous, unreasonable, or without foundation. *See, Hughes v. Rowe*, 449 U.S. 5, 14, 101 S.Ct. 173, 178 (1980). *See also, Lato v. Sieverman*, 919 F. Supp. 336 (C.D. Cal. 1996) (prevailing defendant should be awarded attorneys' fees where the action is found to be meritless).

10. As the prevailing party, Defendant has incurred attorneys' fees and other costs.

11. Attached to this Motion as Exhibit 1 is an itemization of time and services provided by Defendant's counsel on this case, and costs incurred. The itemization represents reasonable time spent on the items so indicated. All of these times and services were reasonable, proper and necessary to Defendant prevailing in this case. Verification of these time records is attached hereto as Exhibit 2, collectively.

12. In this case, Stephen S. Russell, Esquire, charges an hourly rate of \$130.00 per hour.

13. In this case, Melinda B. Kaufmann, Esquire, charges an hourly rate of \$115.00 per hour.

14. Based on counsels' experience, litigation careers, and knowledge of civil rights law and litigation, base hourly rates of \$130.00 and \$115.00 per hour, respectively, are reasonable.

15. In support thereof, Defendant will submit affidavits of attorneys in the greater Harrisburg area with knowledge and proficiency in the fields of civil litigation and civil rights litigation, and with knowledge of the abilities of Defendant's counsel.

16. Defendant expects to incur additional expenses and counsel fees in the litigation of this Motion and in the collection of the costs and fees awarded.

Defendant expressly reserves the right to supplement the within petition at a later date in order to accommodate any such additional expenses, costs and fees.

WHEREFORE, Defendant respectfully request an award of attorneys' fees and costs against Plaintiff.

Respectfully submitted,

STOCK AND LEADER

BY: Stephen S. Russell

Stephen S. Russell, Esquire

I.D. No. 17102

Melinda B. Kaufmann, Esquire

I.D. No. 82088

Susquehanna Commerce Center East

221 W. Philadelphia Street, 6th Floor

York, PA 17404

(717) 846-9800

Dated: January 20, 2003

1



## STOCK AND LEADER

REPORT DATE 01/13/03  
 REPORT NUMBER JP074-024418  
 SORTED BY CLIENT/MATTER  
 RANGE SELECTED: 143490-00001 TO 143490-99999

## LEDGER HISTORY

PAGE 1

PRINTED BY LD

TYPE BILL	DATE	PREPAID AMOUNT	FEES AMOUNT	SALES TAX AMOUNT	EXPENSE AMOUNT	INTEREST AMOUNT	A/R BALANCE	COMMENTS
143490 00001	CAPITAL AREA INTERMEDIATE		BEAM v.					
BILL 002	03/09/01		2,323.00	.00	.25	.00	2,323.25	
CASH 002	04/05/01		2,323.00-	.00	.25-	.00	.00	
BILL 003	04/06/01		2,146.00	.00	85.45	.00	2,231.45	
CASH 003	05/01/01		2,146.00-	.00	85.45-	.00	.00	
BILL 007	07/09/01		2,188.50	.00	122.46	.00	2,310.96	
CASH 007	08/02/01		2,188.50-	.00	122.46-	.00	.00	
BILL 010	10/03/01		3,930.50	.00	434.60	.00	4,365.10	
CASH 010	11/02/01		3,930.50-	.00	434.60-	.00	.00	
BILL 018	02/05/02		3,888.50	.00	691.99	.00	4,580.49	
CASH 018	02/18/02		3,888.50-	.00	691.99-	.00	.00	
BILL 020	04/04/02		2,591.00	.00	1,249.37	.00	3,840.37	
CASH 020	04/12/02		2,591.00-	.00	1,249.37-	.00	.00	
BILL 023	07/05/02		274.50	.00	13.60	.00	288.10	
CASH 023	08/02/02		274.50-	.00	13.60-	.00	.00	
CASH 023	08/26/02		274.50	.00	13.60	.00	288.10	reverse - paid in error
PREPAID	08/26/02	288.10-					288.10	ppd to refund to Capital
CASH 023	08/26/02		274.50-	.00	13.60-	.00	.00	
BILL 026	10/14/02		2,121.00	.00	399.43	.00	2,520.43	
CASH 026	10/14/02		.00	.00	288.10-	.00	2,232.33	
PREPAID	10/14/02	288.10					2,232.33	
BILL 029	01/06/03		777.00	.00	9.70	.00	3,019.03	
MATTER TOTALS		.00	2,898.00	.00	121.03	.00		
REPORT TOTALS		.00	2,898.00	.00	121.03	.00		

STOCK AND LEADER  
 A Professional Corporation  
 35 SOUTH DUKE STREET PO BOX 5167  
 YORK PA 17405-5167  
 Direct Dial - Billing 717-849-4117

March 9, 2001

Billed through 02/28/01

Invoice Number 143490-00001-002 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET, PO BOX 489  
 SUMMERDALE, PA 17093-0489

BEAM v.

FOR PROFESSIONAL SERVICES RENDERED

02/07/01 SSR	Research; re: constitutional rights vis-a-vis contracts; Review Complaint	1.70 hrs	130 /hr	221.00
02/07/01 SSR	Telephone Conference with Executive Director; Messages to Assistant Executive Director and Solicitor	.20 hrs	130 /hr	26.00
02/07/01 MK	Review Complaint; Research Individual versus Official Capacity if not Stated in Complaint; Research Validity of Claim Based on Issue of Substantive Due Process	1.00 hrs	105 /hr	105.00
02/08/01 SSR	Telephone Conference with Assistant Executive Director	.30 hrs	130 /hr	39.00
02/09/01 SSR	Conference w/Assistant Executive Director; re: Complaint	2.80 hrs	130 /hr	364.00
02/12/01 SSR	Telephone Conference with Counsel for I.U. and counsel for one defendant	.40 hrs	130 /hr	52.00
02/15/01 SSR	Telephone Conference with client	.20 hrs	130 /hr	26.00
02/21/01 MK	Review File; Research Courses of Action	1.30 hrs	105 /hr	136.50

CAPITAL AREA INTERMEDIATE UNIT  
 Invoice Number 143490-00001-002 SSR

PAGE 2

02/22/01 SSR	Travel	1.50 hrs	130 /hr	195.00
02/22/01 SSR	Conference with Client	3.50 hrs	130 /hr	455.00
02/22/01 MK	Travel	1.00 hrs	105 /hr	105.00
02/22/01 MK	Meet with S. Douney re: Complaint Allegations	3.50 hrs	105 /hr	.00
02/23/01 MK	Research and Begin Draft of Motion to Strike Impertinent Material; Research and Begin Draft of 12(b)(6) Motion for Anti-Trust Claims	4.00 hrs	105 /hr	420.00
02/24/01 MK	Research Equal Protection and Privileges and Immunities Clause Claims	1.70 hrs	105 /hr	178.50

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 \$ 2,323.00

#### DISBURSEMENTS

02/09/01	Telefax Charge	.25
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 \$ .25

#### MONTH END SUMMARY

Melinda Kaufmann	12.50 hrs	76 /hr	945.00
Stephen S. Russell	10.60 hrs	130 /hr	1,378.00
CURRENT SERVICES	23.10 hrs	\$	2,323.00
CURRENT DISBURSEMENTS AND COSTS		\$	.25
TOTAL CHARGES FOR THIS PERIOD		\$	2,323.25



STOCK AND LEADER  
 A Professional Corporation  
 35 SOUTH DUKE STREET PO BOX 5167  
 YORK PA 17405-5167  
 Direct Dial - Billing 717-849-4117

April 6, 2001

Billed through 03/31/01

Invoice Number 143490-00001-003 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET, PO BOX 489  
 SUMMERDALE, PA 17093-0489

BEAM v.

Bal fwd from previous bill number 002 dated 03/09/01	\$	2,323.25
Payments received since last bill (last payment 04/05/01)	\$	2,323.25
		-----
Net Balance as of month end date	\$	.00

FOR PROFESSIONAL SERVICES RENDERED

03/05/01 MK	Draft Answer to Complaint; Draft Partial Motion to Dismiss; Draft Motion to Strike	5.00 hrs	105 /hr	525.00
03/05/01 SSR	Conference w/MBK, re: procedure for defense	.40 hrs	130 /hr	52.00
03/06/01 MK	Revise Motion to Dismiss and Brief	2.00 hrs	105 /hr	210.00
03/06/01 SSR	Telephone Conference with another defense attorney	.20 hrs	130 /hr	26.00
03/07/01 MK	Revise Brief and Answer	2.00 hrs	105 /hr	210.00
03/08/01 MK	Revise Brief; Draft Motion to Dismiss	1.10 hrs	105 /hr	115.50
03/08/01 MK	Telephone Conference with S. Downey re: Answer and Documents Needed	.30 hrs	105 /hr	31.50
03/08/01 SSR	Preparation of Answer, Motions and Brief	1.70 hrs	130 /hr	221.00
03/09/01 SSR	Preparation of Answer and Brief in Support of Motions	.80 hrs	130 /hr	104.00

## CAPITAL AREA INTERMEDIATE UNIT

PAGE 2

Invoice Number 143490-00001-003 SSR

03/09/01 MK	Revise Answer and Brief	.40 hrs	105 /hr	42.00
03/12/01 MK	Review documents received from client	2.20 hrs	105 /hr	231.00
03/13/01 SSR	Preparation of Motion and Brief	.60 hrs	130 /hr	78.00
03/13/01 MK	Revise Motion and brief	.30 hrs	105 /hr	31.50
03/14/01 SSR	Telephone Conference with client; re: Answer	.20 hrs	130 /hr	26.00
03/14/01 MK	Revise Answer based on information from client; Review notes drafted by other defendants	.30 hrs	105 /hr	31.50
03/15/01 SSR	Telephone Conference with client	.10 hrs	130 /hr	13.00
03/15/01 MK	Draft letter to other Atty re: Motion filed	.20 hrs	105 /hr	21.00
03/18/01 MCG	Organize Files; Prepare Binders	.80 hrs	55 /hr	44.00
03/19/01 SSR	Review Answer filed by other defense counsel	.30 hrs	130 /hr	39.00
03/19/01 MK	Review Court Order re: Joint Case Management Plan; Draft Letter of Non-Concurrence	.20 hrs	105 /hr	21.00
03/27/01 SSR	Telephone Conference with Client Executive Director re: status of case	.10 hrs	130 /hr	13.00
03/28/01 SSR	Review 12(b)(6) Brief of additional defendant	.30 hrs	130 /hr	39.00
03/28/01 MK	Review Brief filed by Swager/Graybill	.20 hrs	105 /hr	21.00
				-----
				\$ 2,146.00

## DISBURSEMENTS

03/09/01	Telefax Charge	4.75
03/09/01	Telefax Charge	4.75

## CAPITAL AREA INTERMEDIATE UNIT

PAGE 3

Invoice Number 143490-00001-003 SSR

03/13/01	Telefax Charge	3.50
03/15/01	Telefax Charge	2.50
03/15/01	Telefax Charge	1.25
03/31/01	Photocopy expense summary	68.70

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\$ 85.45

## MONTH END SUMMARY

Mary C. Galiardi	.80 hrs	55 /hr	44.00
Melinda Kaufmann	14.20 hrs	105 /hr	1,491.00
Stephen S. Russell	4.70 hrs	130 /hr	611.00
			-----
CURRENT SERVICES	19.70 hrs	\$	2,146.00
CURRENT DISBURSEMENTS AND COSTS		\$	85.45
			-----
TOTAL CHARGES FOR THIS PERIOD		\$	2,231.45
			-----
TOTAL NOW DUE, PLEASE PAY THIS AMOUNT		\$	2,231.45

STOCK AND LEADER  
 A Professional Corporation  
 35 SOUTH DUKE STREET PO BOX 5167  
 YORK PA 17405-5167  
 Direct Dial - Billing 717-849-4117

July 9, 2001

Billed through 06/30/01

Invoice Number 143490-00001-007 SSR

CAPITAL AREA INTERMEDIATE UNIT  
 ATTN GLENN W ZEHNER EXEC DIR  
 55 MILLER STREET, PO BOX 489  
 SUMMERDALE, PA 17093-0489

BEAM v.

Bal fwd from previous bill number 003 dated 04/06/01	\$	2,231.45
Payments received since last bill (last payment 05/01/01)	\$	2,231.45
		-----
Net Balance as of month end date	\$	.00

FOR PROFESSIONAL SERVICES RENDERED

04/02/01 MK	Review Correspondence from D. Bailey	.10 hrs	105 /hr	10.50
04/04/01 MK	Telephone Conference with Melanie re: Scheduling Depositions (2)	.20 hrs	105 /hr	21.00
04/04/01 MK	Review Brief Filed on Behalf of Morrison	.20 hrs	105 /hr	21.00
04/04/01 SSR	Review Defendant Morrison's Brief in Support of 12(b) (6) Motion	.30 hrs	130 /hr	39.00
04/04/01 MK	Draft Joint Case Management Plan	1.20 hrs	105 /hr	126.00
04/09/01 MK	Review Plaintiff's Brief in Opposition to Motion to Dismiss	.30 hrs	105 /hr	31.50
04/11/01 MCG	Telephone Conference with Bev @ Atty Schiffman's ofc (2) re: scheduling of depositions	.40 hrs	55 /hr	22.00
04/16/01 MK	Draft reply brief (0.7); revise joint case management plan (0.2)	.90 hrs	105 /hr	94.50

INVOICE NUMBER 143490-0001-007 SSR

04/16/01 SSR	Preparation of Joint Case Management Plan	.30 hrs	130 /hr	39.00
04/20/01 SSR	Prepare Reply Brief to Plaintiff's Brief in Opposition to Partial Motion to Dismiss	2.30 hrs	130 /hr	299.00
04/23/01 SSR	Preparation of Reply Brief to Plaintiff's Brief in Opposition	2.20 hrs	130 /hr	286.00
04/24/01 MK	Review Reply Brief	.30 hrs	105 /hr	31.50
04/24/01 SSR	Draft Reply Brief	.30 hrs	130 /hr	39.00
04/24/01 MCG	Final preparation of Reply Brief; Draft letter to Court Clerk	.50 hrs	55 /hr	27.50
04/27/01 MK	Review Joint Case Management Plan; Make appropriate changes; Draft Correspondence to Don Bailey re: changes	.60 hrs	105 /hr	63.00
04/30/01 MK	Prepare and attend Case Management Conference with Judge McClure	.70 hrs	105 /hr	73.50
06/01/01 MK	Begin draft Interrogatories	.40 hrs	105 /hr	42.00
06/05/01 MK	Draft discovery requests	1.30 hrs	105 /hr	136.50
06/06/01 MK	Draft discovery requests	.50 hrs	105 /hr	52.50
06/08/01 MK	Draft discovery requests	.50 hrs	105 /hr	52.50
06/08/01 MCG	Calendar Dates	.80 hrs	55 /hr	44.00
06/12/01 MK	Research potential issues for discovery requests	1.10 hrs	105 /hr	115.50
06/12/01 SSR	Draft discovery documents	.30 hrs	130 /hr	39.00
06/25/01 SSR	Review Documents	1.00 hrs	130 /hr	130.00
06/26/01 SSR	Travel	.70 hrs	95 /hr	66.50
06/26/01 SSR	Met with client to prepare for depositions	2.20 hrs	130 /hr	286.00

\$ 2,188.50

OFFICIAL AREA INTERMEDIATE UNIT  
 Invoice Number 143490-0001-007 SSR

## DISBURSEMENTS

04/03/01	Federal Express from Stock and Leader to US District Court on 3/14/01	16.61
04/17/01	Telefax Charge	1.75
04/27/01	Telefax Charge	.50
04/27/01	Telefax Charge	.50
04/27/01	Telefax Charge	.50
04/27/01	Telefax Charge	.50
05/03/01	Telefax Charge	2.50
05/17/01	Research on West Law	25.15
05/17/01	Federal Express from Stock and Leader to Middle District of PA on 4/24/01	10.05
06/11/01	Telefax Charge	.50
06/30/01	Photocopy expense summary	63.90

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 \$ 122.46

## MONTH END SUMMARY

Mary C. Galiardi	1.70 hrs	55 /hr	93.50
Melinda Kaufmann	8.30 hrs	105 /hr	871.50
Stephen S. Russell	9.60 hrs	127 /hr	1,223.50
			-----
CURRENT SERVICES	19.60 hrs	\$	2,188.50
CURRENT DISBURSEMENTS AND COSTS		\$	122.46
			-----
TOTAL CHARGES FOR THIS PERIOD		\$	2,310.96
			-----
TOTAL NOW DUE, PLEASE PAY THIS AMOUNT		\$	2,310.96

Please return the pink copy with your payment.

STOCK AND LEADER  
 A Professional Corporation  
 35 SOUTH DUKE STREET PO BOX 5167  
 YORK PA 17405-5167  
 Direct Dial - Billing 717-849-4117

October 3, 2001

Billed through 09/30/01

Invoice Number 143490-00001-010 SSR

CAPITAL AREA INTERMEDIATE UNIT  
 ATTN JEFFREY STONE, ESQUIRE  
 55 MILLER STREET, PO BOX 489  
 SUMMERDALE, PA 17093-0489

BEAM v.

Bal fwd from previous bill number 007 dated 07/09/01	\$	2,310.96
Payments received since last bill (last payment 08/02/01)	\$	2,310.96
		-----
Net Balance as of month end date	\$	.00

FOR PROFESSIONAL SERVICES RENDERED

07/08/01 SSR	preparation for Plaintiff's deposition	4.50 hrs	130 /hr	585.00
07/09/01 SSR	Travel	1.60 hrs	95 /hr	152.00
07/09/01 SSR	Plaintiff's Deposition	5.60 hrs	130 /hr	728.00
07/10/01 SSR	Status letter to Solicitor	.20 hrs	130 /hr	26.00
07/11/01 SSR	Travel	1.60 hrs	95 /hr	152.00
07/11/01 SSR	Deposition of Defendants	6.80 hrs	130 /hr	884.00
07/24/01 MK	Draft case update for Network Adjusters	.50 hrs	105 /hr	52.50
07/24/01 MCG	Correspondence to Network Adjusters re: invoice for transcription services	.40 hrs	55 /hr	22.00
07/26/01 MK	Telephone Conference with Don Bailey's office re: scheduling depositions; Telephone Conference with Marc Bauer re: scheduling depositions	.20 hrs	105 /hr	21.00
07/27/01 MK	Revise update for Network Adjusters	.10 hrs	105 /hr	10.50

## CAPITAL AREA INTERMEDIATE UNIT

PAGE 2

Invoice Number 143490-00001-010 SSR

08/02/01 MK	Digest depositions	3.20 hrs	105 /hr	336.00
08/03/01 MK	Digest depositions (1.4 hrs.); Telephone Conference with Scott Downey; depositions schedule and draft correspondence to Don Bailey	1.60 hrs	105 /hr	168.00
08/06/01 MK	Digest depositions	1.80 hrs	105 /hr	189.00
08/07/01 MK	Digest depositions	1.90 hrs	105 /hr	199.50
08/16/01 MCG	Obtain check; Correspondence to Hughs, Albright, etc.; re: payment for transcription services	.50 hrs	55 /hr	27.50
08/21/01 MK	Review discovery received from Plaintiff	.50 hrs	105 /hr	52.50
09/10/01 MK	Draft Correspondence to Atty. Bailey re: extension of discovery	.10 hrs	105 /hr	10.50
09/17/01 SSR	Review plaintiff's responses to interrogatories	.40 hrs	130 /hr	52.00
09/19/01 MK	Draft Correspondence to Atty. Bailey re: failure to respond to discovery requests	.10 hrs	105 /hr	10.50
09/25/01 MK	Review documents produced by Beam (0.8 hr.); Telephone Conference with Client re: depositions (0.1 hr.); Draft Correspondence to Atty. Bailey re: deposition schedule (0.2 hr.)	1.10 hrs	105 /hr	115.50
09/28/01 MK	Telephone Conference with Bev @ Atty. Steve Schiffman's office re: discovery; Review file for requested documents (.2 hr.); Review file in preparation for upcoming depositions (1.1 hr.)	1.30 hrs	105 /hr	136.50

\$ 3,930.50

## DISBURSEMENTS

08/16/01	Transcript/Deposition of depositions held on 7/11/01	424.80
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## CAPITAL AREA INTERMEDIATE UNIT

PAGE 3

Invoice Number 143490-00001-010 SSR

09/26/01	Telefax Charge	.50
09/30/01	Photocopy expense summary	9.30

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\$			434.60

## MONTH END SUMMARY

Mary C. Galliardi	.90 hrs	55 /hr	49.50
Melinda Kaufmann	12.40 hrs	105 /hr	1,302.00
Stephen S. Russell	20.70 hrs	125 /hr	2,579.00
			-----
CURRENT SERVICES	34.00 hrs	\$	3,930.50
CURRENT DISBURSEMENTS AND COSTS		\$	434.60
			-----
TOTAL CHARGES FOR THIS PERIOD		\$	4,365.10
			-----
TOTAL NOW DUE, PLEASE PAY THIS AMOUNT		\$	4,365.10

STOCK AND LEADER  
Attorneys at Law  
35 SOUTH DUKE STREET PO BOX 5167  
YORK PA 17405-5167  
Direct Dial - Billing 717-849-4117

February 5, 2002

Billed through 12/31/01

Invoice Number 143490-00001-018 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET PO BOX 489  
SUMMERDALE, PA 17093-0489

BEAM v.

Bal fwd from previous bill number 010 dated 10/03/01	\$	4,365.10
Payments received since last bill (last payment 11/02/01)	\$	4,365.10
		-----
Net Balance as of month end date	\$	.00

FOR PROFESSIONAL SERVICES RENDERED

10/08/01 MK	Review discovery requests and responses from Graybill/Sweger; Telephone Conference with Don Bailey's office re: depositions; Telephone Conference with Marc Bauer re: depositions	.30 hrs	105 /hr	31.50
10/11/01 MK	Telephone Conference with Steve Schiffman and Dan Altland re: depositions	.10 hrs	105 /hr	10.50
10/15/01 SSR	Travel	1.40 hrs	95 /hr	133.00
10/15/01 SSR	Deposition of defendant Morrison	5.50 hrs	130 /hr	715.00
11/13/01 MK	Telephone Conference with Scott Downey	.20 hrs	105 /hr	21.00
11/15/01 SSR	Travel	1.20 hrs	95 /hr	114.00
11/15/01 SSR	Deposition of Defendant Downey	5.40 hrs	130 /hr	702.00
11/15/01 MK	Telephone Conference with Dan Altland and Marc Bauer re: deposition tomorrow (11/16/01)	.20 hrs	105 /hr	21.00

## CAPITAL AREA INTERMEDIATE UNIT

PAGE 2

Invoice Number 143490-00001-018 SSR

11/16/01 MK	Telephone Conference with Glenn Zehner; Draft Correspondence to Don Bailey re: unavailability for depositions	.20 hrs	105 /hr	21.00
11/20/01 MK	Telephone Conference with Steve Schiffman re: deposition schedules and filing of Motion to Stay Discovery	.10 hrs	105 /hr	10.50
11/21/01 MCG	Request checks re depositions	.50 hrs	65 /hr	32.50
11/28/01 SSR	Telephone conference with clients and plaintiff's attorney's office re deposition schedule	.20 hrs	130 /hr	26.00
12/04/01 SSR	Prepare for depositions of executive director and Assistant I.U. Executive Director	1.90 hrs	130 /hr	247.00
12/07/01 SSR	Conference w/I.U. Executive Director and Assistant Executive Director; Preparation for depositions	3.50 hrs	130 /hr	455.00
12/10/01 MK	Draft litigation budget	.40 hrs	105 /hr	42.00
12/14/01 SSR	Telephone Conference with IU employee subpoenaed for a deposition	.30 hrs	130 /hr	39.00
12/14/01 MCG	Reconcile/research Hugh, Albright billing issues, re: 7/11 and 10/15 depositions; Conference w/SSR; Conference w/MBK	1.10 hrs	65 /hr	71.50
12/17/01 SSR	Telephone Conference with board member/deponent	.20 hrs	130 /hr	26.00
12/19/01 SSR	Attend Deposition of I.U. Employees	9.00 hrs	130 /hr	1,170.00
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				\$ 3,888.50

## DISBURSEMENTS

11/19/01	Telefax Charge	.50
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## CAPITAL AREA INTERMEDIATE UNIT

PAGE 3

Invoice Number 143490-00001-018 SSR

11/26/01	Miscellaneous Expense - Video Depositions of Michael Sweger and David Graybill on 7/11/01 and Roger Morrison	370.52
11/26/01	Miscellaneous Expense - Video Deposition of Roger Morrison held on 10/15/01	317.37
12/31/01	Photocopy Expense	3.60

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\$ 691.99

## MONTH END SUMMARY

Mary C. Galiardi	1.60 hrs	65 /hr	104.00
Melinda Kaufmann	1.50 hrs	105 /hr	157.50
Stephen S. Russell	28.60 hrs	127 /hr	3,627.00
			-----
CURRENT SERVICES	31.70 hrs	\$	3,888.50
			-----
CURRENT DISBURSEMENTS AND COSTS		\$	691.99
			-----
TOTAL CHARGES FOR THIS PERIOD		\$	4,580.49
			-----
TOTAL NOW DUE, PLEASE PAY THIS AMOUNT		\$	4,580.49

STOCK AND LEADER  
Attorneys at Law  
35 SOUTH DUKE STREET PO BOX 5167  
YORK PA 17405-5167  
Direct Dial - Billing 717-849-4117

April 4, 2002

Billed through 03/31/02

Invoice Number 143490-00001-020 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET PO BOX 489  
SUMMERDALE, PA 17093-0489

BEAM v.

Bal fwd from previous bill number 018 dated 02/05/02	\$	4,580.49
Payments received since last bill (last payment 02/18/02)	\$	4,580.49
		-----
Net Balance as of month end date	\$	.00

FOR PROFESSIONAL SERVICES RENDERED

01/04/02 MK	Draft Motion to Stay Proceedings	.50 hrs	115 /hr	57.50
01/07/02 MK	Telephone Conference with Don Bailey re: Motion to Stay; Telephone Conference with Melanie Erb re: Motion to Stay (x2); Telephone Conference with Dan Altland re: Motion to Stay	.50 hrs	115 /hr	57.50
01/14/02 MK	Telephone Conference with Melanie Erb re: deposition and motion to stay summary Judgment filing	.10 hrs	115 /hr	11.50
01/15/02 SSR	Telephone Conference with Board President, re: depositions; Correspondence to Plaintiff's counsel	.50 hrs	130 /hr	65.00
01/21/02 SSR	Telephone Conference with witness, re: deposition	.10 hrs	130 /hr	13.00
01/23/02 SSR	Draft case status letter	.20 hrs	130 /hr	26.00
01/30/02 MK	Telephone Conference with Steve Schiffman re: depositions tomorrow	.10 hrs	115 /hr	11.50

## CAPITAL AREA INTERMEDIATE UNIT

PAGE 2

Invoice Number 143490-00001-020 SSR

01/31/02 SSR	Travel	1.50 hrs	95 /hr	142.50
01/31/02 SSR	Deposition of Board President and former contractor	4.00 hrs	130 /hr	520.00
02/05/02 SSR	Correspondence to Plaintiff's counsel, re: discovery	.20 hrs	130 /hr	26.00
02/11/02 MK	Telephone Conference with Melanie Erb re: Motion for stay of proceedings (.1 hr.); Draft statement of undisputed facts for Motion for summary judgment; Begin draft of Motion for summary judgment (2.0 hrs.)	2.10 hrs	115 /hr	241.50
02/12/02 MK	Research for summary judgment motion; Draft summary judgment Brief	5.70 hrs	115 /hr	655.50
02/13/02 MK	Draft summary judgment brief	3.20 hrs	115 /hr	368.00
02/14/02 SSR	Draft of Brief in Support of Motion for Summary Judgment	2.00 hrs	130 /hr	260.00
02/18/02 MK	Review documents received from Scott Downey	.40 hrs	115 /hr	46.00
02/21/02 MK	Review Plaintiff's Brief in Opposition to Motion to Stay	.10 hrs	115 /hr	11.50
02/21/02 SSR	Review Plaintiff's response to Motion for Stay	.20 hrs	130 /hr	26.00
02/28/02 MCG	Update calendar, re: deadlines (SSR, MBK and MCG)	.80 hrs	65 /hr	52.00

-----  
\$ 2,591.00

## DISBURSEMENTS

01/07/02	Telefax Charge	2.00
01/07/02	Telefax Charge	2.00
01/07/02	Telefax Charge	2.00
01/15/02	Video Deposition of Scott Downey 11/16/01	355.13

## CAPITAL AREA INTERMEDIATE UNIT

PAGE 3

Invoice Number 143490-00001-020 SSR

01/16/02	Telefax Charge	.75
01/16/02	Telefax Charge	.75
01/16/02	Telefax Charge	.75
01/21/02	Transcript/Deposition of Marc A. Bauer, Glenn W. Zehner and Michael Mausner	644.63
03/13/02	Transcript/Deposition of Lawrence Eberly and Arland Wagonhurst	238.36
03/31/02	Photocopy expense summary	3.00

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\$ 1,249.37

## MONTH END SUMMARY

Mary C. Galiardi	.80 hrs	65 /hr	52.00
Melinda Kaufmann	12.70 hrs	115 /hr	1,460.50
Stephen S. Russell	8.70 hrs	124 /hr	1,078.50
			-----
CURRENT SERVICES	22.20 hrs	\$	2,591.00
CURRENT DISBURSEMENTS AND COSTS		\$	1,249.37
			-----
TOTAL CHARGES FOR THIS PERIOD		\$	3,840.37
			-----
TOTAL NOW DUE, PLEASE PAY THIS AMOUNT		\$	3,840.37

STOCK AND LEADER  
Attorneys at Law  
35 SOUTH DUKE STREET PO BOX 5167  
YORK PA 17405-5167  
Direct Dial - Billing 717-849-4117

July 5, 2002

Billed through 06/30/02

Invoice Number 143490-00001-023 SSR

CAPITAL AREA INTERMEDIATE UNIT

55 MILLER STREET PO BOX 489  
SUMMERDALE, PA 17093-0489

BEAM v.

Bal fwd from previous bill number 020 dated 04/04/02	\$	3,840.37
Payments received since last bill (last payment 04/12/02)	\$	3,840.37
		-----
Net Balance as of month end date	\$	.00

FOR PROFESSIONAL SERVICES RENDERED

04/11/02 SSR	Review federal judge's decision and letter to clients.	.50 hrs 130 /hr	65.00
04/11/02 MK	Review Court decision on Motion to Dismiss; Telephone Conference with Scott Downey	.40 hrs 115 /hr	46.00

\$ 111.00



2





STOCK AND LEADER  
Susquehanna Commerce Center East  
6th Floor  
221 W. Philadelphia Street  
York, Pennsylvania 17404

Phone: (717) 846-9800  
Fax: (717) 843-6134

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEVERLY BEAM,

Plaintiff

v.

SCOTT DOWNEY,  
ROGER MORRISON,  
DAVID GRAYBILL  
and MICHAEL SWEGER

Defendants

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CIVIL ACTION NO.  
NO.: 1:CV-01-0083

VERIFICATION OF TIME RECORDS

Under penalty of perjury and pursuant to 28 U.S.C. § 1746, I, Melinda B. Kaufmann, Esquire, swear that the time records attached to this Motion as Exhibit 1 are true and correct and reflect the time that was spent on this matter.

Respectfully submitted,

By: Melinda B. Kaufmann  
Melinda B. Kaufmann, Esquire  
I.D. No. 82088  
Susquehanna Commerce Center East  
221 W. Philadelphia Street, 6th Floor  
York, PA 17404  
(717) 846-9800

STOCK AND LEADER  
Susquehanna Commerce Center East  
6th Floor  
221 W. Philadelphia Street  
York, Pennsylvania 17404

Phone: (717) 846-9800  
Fax: (717) 843-6134

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEVERLY BEAM,

Plaintiff

v.

SCOTT DOWNEY,  
ROGER MORRISON,  
DAVID GRAYBILL  
and MICHAEL SWEGER

Defendants

CIVIL ACTION NO.  
NO.: 1:CV-01-0083

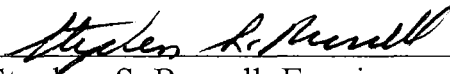
AFFIDAVIT OF STEPHEN S. RUSSELL, ESQUIRE

1. Under penalty of perjury and pursuant to 28 U.S.C. § 1746 I state as follows:
2. I am Defendant Downey's counsel in the present action.
3. Attached to Defendant's Motion for Attorneys' Fees is an itemization of time and services provided by Defendant's counsel on the present case. The itemization represents all reasonable time spent on the items so indicated. In my opinion, all these items and services were reasonable, proper and necessary to Defendant prevailing in this case. Additional time will be spent litigation the Motion.

4. My hourly rate for this case is \$130.00 per hour. I believe that in this community, an hourly billing rate of \$130.00 per hour is reasonable for lawyers with my experience and ability.
5. In support of this base rate, I state that:
  - a. I have been admitted to practice of law before the state courts of Pennsylvania since November 1971.
  - b. I am also admitted to practice before the United States District Court for the Middle District and the Third Circuit Court of Appeals.
6. During my legal career, I have been engaged in the private practice of law in Harrisburg and York Pennsylvania and have handled several civil rights claims in Federal court.
7. I believe that the base hourly rate requested is reasonable based on my experience, litigation career and knowledge of civil rights law and litigation.

Respectfully submitted,

STOCK AND LEADER

By:   
Stephen S. Russell, Esquire  
I. D. No. 17102  
Susquehanna Commerce Center East  
221 W. Philadelphia Street, 6th Floor  
York, PA 17404  
(717) 846-9800

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM,**

**Plaintiff**

**v.**

**SCOTT DOWNEY,  
ROGER MORRISON,  
DAVID GRAYBILL  
and MICHAEL SWEGER**

**Defendants**

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**CIVIL ACTION NO.  
NO.: 1:CV-01-0083**

**AFFIDAVIT OF MELINDA B. KAUFMANN, ESQUIRE**

1. Under penalty of perjury and pursuant to 28 U.S.C. § 1746 I state as follows:
2. I am Defendant Downey's counsel in the present action.
3. Attached to Defendant's Motion for Attorneys' Fees is an itemization of time and services provided by Defendant's counsel on the present case. The itemization represents all reasonable time spent on the items so indicated. In my opinion, all these items and services were reasonable, proper and necessary to Defendant prevailing in this case. Additional time will be spent litigation the Motion.
4. My hourly rate for this case is \$115.00 per hour. I believe that in this community, an hourly billing rate of \$115.00 per hour is reasonable for lawyers with my experience and ability.

5. In support of this base rate, I state that:
  - a. I have been admitted to practice of law before the state courts of Pennsylvania since October 1998.
  - b. I am also admitted to practice before the United States District Court for the Middle District and the Third Circuit Court of Appeals.
6. During my legal career, I have been engaged in the private practice of law in Harrisburg and York Pennsylvania and have handled several civil rights claims in Federal court.
7. I believe that the base hourly rate requested is reasonable based on my experience, litigation career and knowledge of civil rights law and litigation.

Respectfully submitted,

STOCK AND LEADER

By:   
Melinda B. Kaufmann, Esquire  
I.D. No. 82088  
Susquehanna Commerce Center East  
221 W. Philadelphia Street, 6th Floor  
York, PA 17404  
(717) 846-9800

STOCK AND LEADER  
Susquehanna Commerce Center  
East Building - 6th Floor  
221 W. Philadelphia Street  
York, Pennsylvania 17404

Phone: (717) 846-9800  
Fax: (717) 843-6134

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEVERLY BEAM,

Plaintiff

v.

SCOTT DOWNEY,  
ROGER MORRISON,  
DAVID GRAYBILL  
and MICHAEL SWEGER

Defendants

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CIVIL ACTION NO.  
NO.: 1:CV-01-0083

BILL OF COSTS

Judgment having been entered in the above titled action on April 10, 2003,  
against Beverly Beam, the clerk is requested to tax the following costs:

Fees of the clerk	\$ -0-
Fees for Service of summons and complaint	\$ -0-
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$ -0-
Fees and disbursements for printing (\$.10 x ____ pp.)	\$ -0-



Fees for witnesses (itemized on reverse side)	\$ -0-
Fees for exemplification and copies of papers necessarily obtained for use in case	\$ -0-
Docket fees under 28 U.S.C. § 1923	\$ -0-
Costs incident to taking of depositions	\$2,426.84
Costs as shown on Mandate of Court of Appeals	\$ -0-
Other costs (please itemize)	\$ -0-
Total	\$2,426.84

SPECIAL NOTE: Attached to your bill an itemization and documentation for requested costs in categories. Briefs should also be submitted support the necessity of requested costs and citing cases supporting taxation of those costs.

---

#### DECLARATION

---

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed with postage fully prepaid thereon to:

SIGNATURE OF ATTORNEY

*Stephen S. Russell*  
Stephen S. Russell, Esquire

FOR: SCOTT DOWNEY  
Name of Claiming Party

DATE: Jan. 20, 2003

Please take notice that I will appear before the clerk  
who will tax said costs on the following day and time:

DATE AND TIME

Costs are hereby taxed in the following amount  
and included in the judgment:

AMOUNT TAXED  
\$

CLERK OF COURT (BY) DEPUTY CLERK

DATE



*Hughes, Albright, Foltz & Natale  
Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 \* HARRISBURG, PA 17110  
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire  
Stock and Leader, P.C.  
35 South Duke St., PO Box 5167  
York, PA 17405-5167  
717-846-9800  
RE: Beam V Downey, et al.  
USDC/Middle Dist. of PA  
No. 1:CV-01-0083

IRS NUMBER 23-2345714  
INVOICE NUMBER: 15250  
DATE: July 19, 2001  
TERMS: NET 30 DAYS  
REPORTER: RDE

Please enclose copy with your payment.  
Show our invoice number on your check.

Video Deposition of Beverly Beam held July 9, 2001 at  
Serratelli, Schiffman, et al., 2080 Linglestown Road,  
Harrisburg, PA

Attendance of Reporter - No Charge

157 pp of testimony @ \$2.80	439.60
07 pp of exhibits @ \$.25	1.75
Postage	5.20

\*\*\* Thank You \*\*\*

*Please pay promptly*

TOTAL

\$446.55

FILE COPY



J. ROSS MCGINNIS  
WILLIAM H. NEFF, JR.  
D. REED ANDERSON  
WILLIAM C. GIERASCH, JR.  
W. BRUCE WALLACE  
MICHAEL W. KING  
TIMOTHY P. RUTH  
STEPHEN S. RUSSELL

35 SOUTH DUKE STREET  
POST OFFICE BOX 5167  
YORK, PENNSYLVANIA 17405-5167  
PHONE 717-846-9800  
FAX 717-843-6134  
E-MAIL [slaw@sl-law.com](mailto:slaw@sl-law.com)

JANE H. SCHUSSLER  
ROBERT L. LLOYD, JR.  
STEVEN M. HOVIS  
JODY N. ANDERSON\*  
NEIL A. SLENKER  
MELINDA B. KAUFMANN  
DAVID A. JONES, II  
FRANK A. NARDO, JR.  
*\*also admitted in Maryland*

MCCLEAN STOCK  
(1881-1962)

July 24, 2001

WRITER'S DIRECT DIAL:  
(717) 849-4109

OF COUNSEL  
HENRY B. LEADER  
RAYMOND L. HOVIS  
BYRON L. LECATES  
MARIETTA H. BARBOUR

John Doherty, Senior Examiner  
NETWORK ADJUSTERS, INC.  
306 Walnut Street  
Philadelphia, PA 19106

**RE: Beverly Beam v. Scott Downey, Roger Morrison, David Graybill  
and Michael Sweger  
U.S.D.C. Middle District of PA Civil Action No. 1: CV-01-0083**

Dear John:

In accordance with your guidelines, I am enclosing for payment an invoice totaling \$446.55 from HUGES, ALBRIGHT, FOLTZ & NATALE REPORTING SERVICE, INC. for transcription of depositions in the above matter.

Please feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Very truly yours,

STOCK & LEADER, P.C.

Mary Galiardi  
Legal Assistant to Stephen S. Russell

cc: Dr. Marc A. Bauer, Asst. Executive Director

# Hughes, Albright, Foltz & Natale

## Reporting Service, Inc.

2080 LINGLESTOWN ROAD, SUITE 103 \* HARRISBURG, PA 17110  
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire  
Stock and Leader, P.C.  
35 South Duke St., PO Box 5167  
York, PA 17405-5167  
717-846-9800

IRS NUMBER 23-2345714

INVOICE NUMBER: 15326

DATE: July 26, 2001

RE: Beam V Downey, et al.  
USDC/Middle Dist. of PA  
No. 1:CV-01-0083

TERMS: NET 30 DAYS

REPORTER: RDE

Please enclose copy with your payment.  
Show our invoice number on your check.

Video Depositions of Michael Sweger and David Graybill held  
July 11, 2001 at 2080 Linglestown Road, Ste. 201 Harrisburg, PA

25 pp of testimony @ \$1.85 [Graybill]	231.25
101 pp of testimony @ \$1.85 [Sweger]	186.85
11 pp of exhibits @ \$.25	2.75
Postage	3.95
*** Thank you ***	

use pay promptly

TOTAL

\$424.80

STOCK AND LEADER

55882

H1010 HUGHES ALBRIGHT FOLTZ &amp;

055882

64213 143490-1 8/16/01 424.80 424.80 .00

Ref: Capital Area IU

Transcription services for depositions held on  
7/ '01

Mary

Check Total

424.80

SFMS01328-1

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H180HX0010000 L99SF037490



LITHO USA SFSL2 CK/508112L (1/99)

File

# Hughes, Albright, Foltz & Natale Reporting Service, Inc.

2080 LINGLESTOWN ROAD, SUITE 103 \* HARRISBURG, PA 17110  
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire  
Stock and Leader, P.C.  
35 South Duke St., PO Box 5167  
York, PA 17405-5167  
717-846-9800  
RE: Beam V Downey, et al.  
USDC/Middle Dist. of PA  
No. 1:CV-01-0083

IRS NUMBER 23-2345714  
INVOICE NUMBER: 16104  
DATE: October 31, 2001  
TERMS: NET 30 DAYS  
REPORTER: RDE

Please enclose copy with your payment.  
Show our invoice number on your check.

Video Deposition of Roger D. Morrison held October 15, 2001 at  
the Law Office of Don Bailey, 4311 North 6th Street,  
Harrisburg, PA

170 pp of testimony @ \$1.85

314.50

Postage

2.87

\*\*\* Thank You \*\*\*

*Please pay promptly*

TOTAL

\$317.37



STOCK AND LEADER

57466

H1010 HUGHES ALBRIGHT FOLTZ &

057466

65879 143490-1

11/26/01

317.37

317.37

.00

Ref: Capital Area IU

Video Deposition of Roger Morrison held on  
10/15/01

Mary

Check Total

317.37

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H186TD0010000 L99SF037490

 Safeguard

LITHO USA 51SL2 CK7508112L (3/01)

# *Hughes, Albright, Foltz & Natale Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 \* HARRISBURG, PA 17110  
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

**TO:** Stephen S. Russell, Esquire  
Stock and Leader, P.C.  
35 South Duke St., PO Box 5167  
York, PA 17405-5167  
717-846-9800  
**RE:** Beam V Downey, et al.  
USDC/Middle Dist. of PA  
No. 1:CV-01-0083

**IRS NUMBER** 23-2345714

**INVOICE NUMBER:** 16511

**DATE:** December 14, 2001

**TERMS:** NET 30 DAYS

**REPORTER:** RDE

Please enclose copy with your payment.  
Show our invoice number on your check.

Video Deposition of Scott Downey held November 16, 2001 at  
Serratelli, Schiffman, et al., 2080 Linglestown Road,  
Harrisburg, PA

181 pp of testimony @ \$1.95

352.95

Postage

2.18

\*\*\* Thank You \*\*\*

*Please pay promptly*

TOTAL

\$355.13

STOCK AND LEADER

58240

H1010 HUGHES ALBRIGHT FOLTZ &

058240

66780 143490-1 1/15/02 355.13 355.13 .00

Ref: Capital Area IU

Video Deposition of Scott Downey 11-16-01

Mary

Check Total

355.13

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H186TD0010000 L99SF037490



100005A SF012 06750812L (200)

# *Hughes, Albright, Foltz & Natale Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 \* HARRISBURG, PA 17110  
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

**TO:** Stephen S. Russell, Esquire  
Stock and Leader, P.C.  
35 South Duke St., PO Box 5167  
York, PA 17405-5167  
717-846-9800

**IRS NUMBER** 23-2345714

**INVOICE NUMBER:** 16693

**DATE:** January 14, 2002

**TERMS:** NET 30 DAYS

**REPORTER:** PS

**RE:** Beam V Downey, et al.  
USDC/ Middle Dist. of PA  
No. 1:CV-01-0083

Please enclose copy with your payment.  
Show our invoice number on your check.

Depositions of Marc A. Bauer, Glenn W. Zehner, and Michael  
Mausner held December 19, 2001 at Serratelli, Schiffman, et  
al., 2080 Linglestown Rd., Harrisburg, PA

149 pp of testimony @ \$2.28 [Bauer]	339.72
67 pp of testimony @ \$2.28 [Zehner]	152.76
65 pp of testimony @ \$2.28 [Mausner]	148.20
Postage	3.95
*** Thank You ***	

*Please pay promptly*

TOTAL

\$644.63

JAN 15 2002

STOCK AND LEADER

58304

H1010 HUGHES ALBRIGHT FOLTZ &amp;

058304

66850 143490-1	1/21/02	644.63	644.63	.00
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Ref: Capital Area IU

Depositions 12/19/01 of Marc A. Bauer, Glenn W.  
Zehner and Michael Mausner

Mary

Check Total

644.63

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H186TD0010000 L99SF037490



UTM005A SFMS01328-1 (201)

FILE COPY

*Hughes, Albright, Foltz & Natale*  
*Reporting Service, Inc.*

2080 LINGLESTOWN ROAD, SUITE 103 \* HARRISBURG, PA 17110  
Harrisburg 717-540-0220 Fax 717-540-0221 Lancaster 717-393-5101

TO: Stephen S. Russell, Esquire  
Stock and Leader, P.C.  
35 South Duke St., PO Box 5167  
York, PA 17405-5167  
717-846-9800  
RE: Beam V Downey, et al.  
USDC/Middle Dist. of PA  
No. 1:CV-01-0083

IRS NUMBER 23-2345714

INVOICE NUMBER: 17048

DATE: February 21, 2002

TERMS: NET 30 DAYS

REPORTER: RDE

Please enclose copy with your payment.  
Show our invoice number on your check.

Video Depositions of Lawrence Eberly and Arland Wagonhurst held  
January 31, 2002 at the Law Offices of Don Bailey, 4311 N. 6th  
Street, Harrisburg, PA

87 pp of testimony @ \$1.95 [Wagonhurst]

169.65

34 pp of testimony @ \$1.95 [Eberly]

66.30

Postage

2.41

\*\*\* Thank you \*\*\*

*Please pay promptly*

TOTAL

\$238.36

STOCK AND LEADER

59067

H1010 HUGHES ALBRIGHT FOLTZ &amp;

059067

67802 143490-1 3/13/02 238.36 238.36 .00

Ref: Capital Area IU

Transcripts of Video Depositions of Lawrence  
Eberly and Arland Wagonhurst

Check Total

238.36

SFMS01328-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

H188ZW0010000 L99SF037490



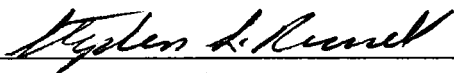
11100054 SF512 06/20/02 (200)





P. Daniel Altland, Esquire  
3401 N. Front Street  
Harrisburg, PA 17110

STOCK AND LEADER

By:   
Stephen S. Russell, Esquire  
I.D. # 17102  
Susquehanna Commerce Center East  
221 W. Philadelphia Street, 6th Floor  
York, PA 17404  
Telephone: (717) 846-9800